

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/867,193
Filing Date	May 29, 2001
First Named Inventor	ADAMS et al.
Group Art Unit	1634
Examiner Name	Chakrabarti, A.
Attorney Docket Number	GP100-03.CN1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1235 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Attached
- i. ☒ Submission Under 37 C.F.R. § 1.114
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (2 p.); Form PTO/SB/08 (2 p. in dup.) & Copies of Cited Refs. (59 p.)
- iv. ☒ Other Fee Transmittal for FY 2002 (1 p. in duplicate, 2 p. total)

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$_____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

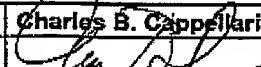
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Charles B. Cappellari	Registration No. (Attorney/Agent)	40,937
Signature		Date	June 25, 2002

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9307 on the date indicated below to Box RCE, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: June 25, 2002

Name (Print Type)	Charles B. Cappellari	Date	June 25, 2002
Signature			

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JUN-25-02 12:09

FROM-GEN-PROBE EXECUTIVE OFFICE

8584108922

T-996

P.01

E-991

FAX RECEIVED

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GROUP 1600

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If you have received this communication in error, please notify Gen-Probe immediately by telephone and return the original message to us at the below-indicated address via regular U.S. mail. Thank you.

FROM: Charles B. Cappellari
Gen-Probe Incorporated
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
Phone No. (858) 410-8927
Facsimile No. (858) 410-8928

TO: Examiner: Chakrabarti, A.
Group 1634

Box RCE
U.S. Patent & Trademark Office
Facsimile No. (703) 872-9307

Number of pages (including this cover page): 75

In re Patent Application of:)	Group Art Unit: 1634
)	
ADAMS <i>et al.</i>)	Examiner: Chakrabarti, A.
)	
Serial No. 09/867,193)	Confirmation No. 7798
)	
Filed: May 29, 2001)	Atty. Docket No. GP100-03.CN1
)	
Title: DECOY PROBES)	Date: June 25, 2002

Transmitted herewith:

1. Fee Transmittal for FY 2002 (1 pg. in duplicate, 2 pgs. total);
2. Request for Continued Examination (RCE) Transmittal (1 pg.);
3. Submission Under 37 C.F.R. § 1.114 (6 pgs.);
4. Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b)(4) (2 pgs.);
5. Form PTO/SB/08 (2 pgs. in duplicate, 4 pgs. total); and
6. Copies of Cited References (59 pgs.).

CERTIFICATE OF TRANSMISSION

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Date: June 25, 2002

By: 

Charles B. Cappellari, Reg. No. 40,937

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FROM-GEN-PROBE EXECUTIVE OFFICE

8584108922

T-996 P.02

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GROUP 1600

PTO/SS/17 (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

740.00

Complete if Known

Application Number	09/867,193
Filing Date	May 29, 2001
First Named Inventor	ADAMS et al.
Examiner Name	Chakrabarti, A.
Group Art Unit	1634
Attorney Docket No.	GP100-03.CN1

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

07-0835

Deposit
Account
Name

Gen-Probe Incorporated

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

0

2. EXTRA CLAIM FEES

Claims Previously Pending	Fee For Extra Claims	Fee from below	Fee Paid
24	-24** = 0	18	0
2	-3** = 0	84	0

Total Claims

Independent Claims

Multiple Dependent

Large Entity Small Entity

Fee Fee Fee Fee

Code (\$) Code (\$)

103 18 203 9

102 84 202 42

104 280 204 140

109 84 209 42

110 18 210 9

Claims in excess of 20

Independent claims in excess of 3

Multiple dependent claim, if not paid

** Reissue independent claims over original patent

** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Fee Code	Large Entity (\$)	Fee Code	Small Entity (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	450	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
145	740	245	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	740
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

740

SUBMITTED BY

Name (Print/Type)

Charles B. Cappellari

Registration No.
(Attorney/Agent)

40,937

Complete (if applicable)

Telephone

(858) 410-8927

Signature

Date

June 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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